

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES

September 27, 2004

PRESENT: Tom Cowan, Chair
Mark Decker
Terry Janicz
Don Hoefler
Rick Meahl
Andy Kelkenberg
Dan Seider, Wendel Duchscherer
Andrew Casolini, Wendel Duchscherer
Christine Falkowski, Planning Board Clerk

A special meeting of the Planning Board and Wendel Duchscherer, Town engineers, was held at 7:30PM regarding **Drainage – The Subdivision Application & Site Plan Process.**

Adjacent parcels must be considered; not just the subject parcel

Dan presented three examples where adjacent parcels were not considered, thereby creating subsequent water problems for neighboring lots (photos were presented):

- (1) Harner- Buckley – 6279 and 6289 Utley Road
- (2) Montante – 13557 Stage Road
- (3) Tiffany Construction (Bain) – 6380 Hake Road

- Upstream drainage cannot be blocked unless an alternate route is provided
- One member wanted to know how a subdivider could present a drainage plan when the location of the buyer's house is unknown. The answer is that a potential plan is submitted. Adjustments can be made, and will probably be made at the time of building permit application by the buyer (at which time a drainage plan for just that building lot is required). At that time, the Building Inspector will review the drainage plan previously submitted to the Planning Board.

Checklist of required criteria for major subdivision review

- Setbacks
- Curb cuts
- Drainage plan/swales
- Wetlands delineation
- Septic location
- First floor elevations
- The Schutt Road (8) lot major subdivision was presented as an example of where the Planning Board exhibited sound decision making in their approval process. The Board asked for more information until all criteria were satisfied.
- In lieu of paying a greenspace fee for each lot, the subdivider could provide a conservation easement in the name of the Town of Newstead. The greenspace must be delineated so as not to encroach on wetlands in the future.

Who is the “developer”, the applicant or the buyer?

There is no definition of developer in the Town Code. It does not matter who the developer is as long as land is subdivided safely for the consumer. There was general agreement that the expense of a drainage plan is a burden for the seller, but that drainage should be addressed up front. Plans can be amended if a buyer buys two lots instead of one and places the home in the center, as long as the original concept is followed.

Stormwater Phase 2 Regulations

- 2008 regulations will apply to construction where disturbance is greater than one acre. The DEC regulates pre, during and post construction
- The owner sends in a Notice of Intent (N.O.I.), and the contractor sends in a Stormwater Pollution Prevention Plan (SWPPP) to the DEC. Copies are filed with the Town, and Code Enforcement enforces according to best management practices.
- One member expressed the need for a new ditching program. Andrew stated that one will be formed within the next few months.

Suggestions:

- Our code stipulates one must build 18” above the crown of the road. We could change it to 30”-36” above the crown of the road, which would help to eliminate new drainage problems, even though it may not be necessary for all parcels. Solution: Our current 18” must be better enforced.
- Do not allow any topsoil stripping or importation of fill prior to approved building permit. Change our Code?
- Set minimum standards for subdivision approval and be consistent.
- Andrew or Dan is willing to meet with Planning Board members and Building Dept. on the Thursday morning prior to Planning Board meetings to review new applications. The dates remaining for 2004 are:

Thursday, 10/14 (for 10/18 meeting)

Thursday, 10/28 (for 11/1 meeting)

Thursday, *11/11 (for 11/15 meeting) *Veteran’s Day holiday

Thursday, 12/9 (for 12/13 meeting)

- Agendas will be mailed to members 1-1/2 weeks before the meeting, instead of members receiving them the Friday before the meeting. This will allow more time for members, staff and Wendel to digest the material and possibly visit the site before the meeting.

Where does the Planning Board want to set expectations for subdivision? According to our Code, they have 100% approving authority for minor subdivisions. (They recommend approval of major subdivisions and site plans to the Town Board). (1) Shift pre-screening of minor subdivisions to the Building Dept. or (2) Planning Board set guidelines for minor subdivisions and take active role in approval. This decision must be made soonest.

The meeting adjourned at 9:30 PM.

Next meeting: Monday, October 4, 2004 at 7:30PM

Respectfully submitted,
Christine Falkowski, Recording Secretary